

REMARKS

The Examiner has required restriction of the above-identified application as follows:

- Group I: Claims 1-3, drawn to a method of making a medicinal product comprising a composition essentially consisting of at least one soluble form of HLA-G and at least one pharmaceutically acceptable vehicle; and
- Group II: Claim 4-7, drawn to a method for preparing a soluble HLA-G comprising expressing soluble HLA-G in insect cells using baculovirus-expressed soluble HLA-G/ β_2m and purifying the protein using an antibody generated against SEQ ID NO: 1.

Further, if the Applicants elect Group I, the Examiner is requiring election of a single disclosed species of a specific soluble HLA-G isoform(s).

Applicants have elected, with traverse, Group I: Claims 1-3 and 8, for further prosecution. Additionally, Applicants have provisionally elected, for search purposes only, the species: HLA-G5. Claims 1-10 read on the elected species

Applicants thank Examiner Dibrino for the helpful and courteous telephone discussion of October 24, 2005, where the Examiner agreed to allow the Applicants to amended and elect Claims 1-3, with the proviso that re-restriction could still be possible. Applicants have amended the claims and elected Claims 1-3 and Claim 8, which depends from Claim 1.

Applicants traverse that Restriction Requirement on the grounds that the Office has not applied the same standard of unity of invention as the International Preliminary Examination Authority. The Authority did not take the position that

unity of invention was lacking in the International application and examined all claims together. Applicants note that PCT Article 27(1) states:

No national law shall require compliance with requirements relating to the form or contents of the international application different from or additional to those which are provided for in this Treaty and the Regulations.

Moreover, Applicants respectfully traverse on the grounds that the Office has not shown that a burden exists in searching the entire application.

MPEP in §803 states as follows:

If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office. In fact, the International Searching Authority has searched all of the claims together.

Claims 8-10 are new.

Support for each amended Claim is found in the correspondingly numbered original Claim. Additional support for Claim 1 is found at page 9, line 36. Support for Claim 8 is found at original Claim 3. Support for Claim 9 is found at original Claim 6. Support for Claim 10 is found at original Claim 7.

Upon entry of the amendment, Claims 1-10 will be active.

No new matter is believed to have been added.

Applicants submit this application is now in condition for examination on the merits and early notification of such action is earnestly solicited.

Application Serial No.: 09/926,778

Reply to Restriction Requirement mailed September 26, 2005, and Amendment

Respectfully submitted,

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